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10/798,545	03/11/2004	Alok Srivstava	oracle01.031	6477

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EXAMINER
KIM, PAUL

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>29 October 2008</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-28</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-28</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This Office action is responsive to the following communication: Amendment filed on 29 October

2008.

2.   Claims 1-28 are pending and present for examination.

Continued Examination Under 37 CFR 1.114

3.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR

1.17(e), was filed in this application after final rejection. Since this application is eligible for continued

examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the

finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's

submission filed on 29 October 2008 has been entered.

Response to Amendment

4.   Claims 1, 5, 9, 15, 19, and 23 have been amended.

5.   No claims have been cancelled.

6.   No claims have been added.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at the time the invention was
> made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall
> not be negatived by the manner in which the invention was made.

8.   **Claims 1, 3, 5, 7, 9, 11 13, 15, 17, 19, 21, 23, 25 and 27** are rejected under 35

U.S.C. 103(a) as being unpatentable over Levy (U.S. Patent No. 5,995,961, hereinafter referred to as

LEVY), filed on 7 November 1996, and issued on 30 November 1999, in view of Tene et al (U.S. Patent

No. 6,928,463, hereinafter referred to as TENE), filed on 18 October 2001, and issued on 9 August 2005.

9. **As per independent claim 1, 5, 9, 11, 15, 17, 19, 23 and 25**, LEVY, in combination with

TENE, discloses:

> A method of initiating a connection via a network for a streaming data item between a
> client <u>that contains</u> the streaming data item and a streaming data item server for the
> streaming data item, the client and the streaming data item server being accessible
> to each other via the network and the method comprising the steps:
>
> receiving a specification of the streaming data item from the client via the network
> {See LEVY, C4:L25-34, wherein this reads over "the user formulates a query"} <u>by a search
> server that is accessible to the client via the network</u>;
>
> using the specification <u>by the search server</u> to make a query on a database system
> that is accessible to the search server, the query returning a first identifier that
> identifies the streaming data item {See LEVY, C4:L25-34, wherein this reads over "[g]iven a
> query, Plan Generator accesses source descriptions in which the contents and capabilities of the
> available information sources are available"}; and
>
> providing the first identifier and a second identifier <u>from the search server</u> to the
> streaming data item server <u>that contains the streaming data item</u>, the second
> identifier identifying the client and the first identifier and the second identifier are
> used by the streaming data item server to establish the connection {See LEVY,
> C4:L25-34, wherein this reads over "[b]ased on the descriptions, Plan Generator determines which
> information sources are relevant for the given query"}, with the client, wherein the
> connection does not run through the search server {See TENE, C1:L47-64, wherein this
> reads over "[t]he session initiator initiates a content delivery session between the client and a local
> node using a carrier tunnel identified by the carrier type identifier. The local node provides access to
> content delivered from the content server"}.

While LEVY may fail to expressly disclose an invention wherein the connection does not run

through the search server, TENE discloses an invention wherein the client makes a direct connection with

the content host via a network. Therefore, it would have been obvious to one of ordinary skill in the art

at the time the invention was made to modify the above invention suggested by LEVY by combining it

with the invention disclosed by TENE.

One of ordinary skill in the art would have been motivated to do this modification so that once

the search server determines the location of the streaming data item, the client may make establish a

direct connection with the data host.

Furthermore, it would be inherent to include a second identifier identifying the client in a search

engine system since it would be necessary identify the client to which the search results are returned.

10.   **As per dependent claims 3, 7, 13, 21 and 27**, LEVY, in combination with TENE, discloses:

The method of initiating a connection set forth in claim 1 wherein:

the database system is an object relational database system {See LEVY, Figure 1, Element
140} that includes a table containing an object that represents the streaming data
item, an open method for the object is defined in the database system, the open
method returning the first identifier {See LEVY, C4:L25-34, wherein this reads over "[g]iven
a query, Plan Generator accesses source descriptions in which the contents and capabilities of the
available information sources are available"}; and

the database system responds to the query by executing the open method and
returning the first identifier {See LEVY, C4:L25-34, wherein this reads over "[g]iven a query,
Plan Generator accesses source descriptions in which the contents and capabilities of the available
information sources are available" and "[b]ased on the descriptions, Plan Generator determines which
information sources are relevant for the given query"}.

Furthermore, it would be inherent to the claimed invention that an object relational database

system would include a table of objects.

11.   **Claims 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26 and 28** are rejected under 35 U.S.C.

103(a) as being unpatentable over LEVY, in view of TENE, and in further view of Rodriquez (USPGPUB

No. 2004/0059720, hereinafter referred to as RODRIGUEZ), filed on 23 September 2002, and published

on 25 March 2004, and in further view of Official Notice.

12.   **As per dependent claims 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26 and 28**, LEVY, in

combination with TENE and Official Notice, discloses:

The method of initiating a connection set forth in claim 1 wherein:

the client, the streaming data item server, and the search server communicate via
the network using the HTTP protocol {See RODRIGUEZ, [0002], wherein this reads over
"Web pages or domain addresses on the Internet or on any other public or private global computer
network"};

the first identifier is a URL for the streaming data item {See RODRIGUEZ, [0042], wherein
this reads over "[t]he search system is an application that allows users to enter predetermined search
keywords and provides a list of results containing site information and media elements pertaining to
each Web site"}; and

the second identifier is a current IP address for the client.

It would have been obvious to one of ordinary skill in the art at the time the invention was

created to have an identifier be an IP address for the client since the IP/network address is necessary in

the return of the search results.

Response to Arguments

13.   Applicant's arguments filed 29 October 2008 have been fully considered but they are not

persuasive.

a.   Claim Rejections under 35 U.S.C. 103

Applicant asserts the argument that Levy fails to disclose a method wherein "the first

identifier and the second identifier are used by the streaming data item server to establish the

connection with the client, wherein the connection does not run through the search server." See

Amendment, page 12. In response to applicant's arguments against the references individually,

one cannot show nonobviousness by attacking references individually where the rejections are

based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA

1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). It is noted that Levy,

in combination with Tene, would discloses a system wherein identifiers are used by a stream data

item server to establish a connection with a client. Specifically, it is noted that Tene discloses a

personal content tunnel (PCT) object processor and server interface which allows for the initiation

of "a content delivery session between the client and a local node using a carrier tunnel identified

by the carrier type identifier." See Tene, col. 1, lines 47-65. Accordingly, wherein the PCT is

used to establish a direct connection between the client and a content host, it would have been

obvious to one of ordinary skill in the art that the combination of Levy and Tene would indeed

disclose a method wherein a plurality of identifiers are used by the streaming data item server to

establish a connection with the client, wherein the connection does not run through the search

server.

In view of the aforementioned, the claim rejections under 35 U.S.C. 103 are maintained.

Conclusion

14.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL KIM whose telephone number is (571)272-2737. The examiner can normally be reached on M-F, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on (571) 272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tony Mahmoudi/   Paul Kim
Supervisory Patent Examiner, Art Unit 2169   Examiner, Art Unit 2169
                                                         TECH Center 2100

/pk/